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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Second performance report on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2016–2017

Report of the Secretary-General*

Summary

The present report provides an estimate of the anticipated final level of expenditure for the International Tribunal for the Former Yugoslavia for the biennium 2016–2017, taking into account changes in parameters for inflation and exchange rates compared with the assumptions made in the first performance report for the biennium (A/71/578), which was reviewed by the General Assembly at its seventy-first session and which formed the basis for the revised appropriation and estimate of income for the biennium.

The anticipated final level of expenditure for the International Tribunal for the Former Yugoslavia for the biennium 2016–2017 amounts to $105,779,400, reflecting an increase of $7,715,400. The increase is the result of increases related to post and non-post resources. The anticipated final level of income for the biennium 2016–2017 amounts to $12,591,500, reflecting an increase of $1,445,400. Consequently, the combined effect of the anticipated final level of expenditure and income for the biennium 2016–2017 amounts to an increase of $6,270,000.

* The date of submission takes into account the requirement to present the latest actual expenditure data to allow for better projections.

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I. Introduction

1. The second performance report on the budget of the International Tribunal for the Former Yugoslavia for the biennium 2016–2017 provides an estimate of the anticipated final level of expenditure and income for the biennium, taking into account changes in parameters for inflation and exchange rates compared with the assumptions made in the first performance report for the biennium (A/71/578), which was reviewed by the General Assembly at its seventy-first session and which formed the basis for the revised appropriation and estimates of income for the biennium. The estimate takes into account actual expenditure for the first 22 months of the biennium and projected requirements for the last 2 months, and uses the approved recosting methodology.

2. The activities of the Tribunal are predominantly trial-based (see annex II), and most of the requirements are therefore linked to the pace of trial activities.

II. Explanation of the changes in expenditure requirements

3. The combined effect of the anticipated final level of expenditure and income represents an increase of $6,270,000 compared with the revised appropriation and income for the biennium 2016–2017 approved by the General Assembly in its resolution 71/268, as shown in tables 1 and 2.

Table 1
Projected changes and proposed final appropriation by component, 2016–2017
(Thousands of United States dollars)

		Projected changes				
Component	*Revised appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed final appropriation*
Expenditure						
Chambers	7 510.2	(25.7)	2.9	–	(22.8)	7 487.4
Office of the Prosecutor	16 143.4	(38.9)	(12.9)	3 413.9	3 362.1	19 505.5
Registry	74 410.4	(262.9)	(188.7)	4 827.7	4 376.1	78 786.5
Total expenditure (gross)	**98 064.0**	**(327.5)**	**(198.7)**	**8 241.6**	**7 715.4**	**105 779.4**
Income						
Staff assessment	11 146.1	(25.7)	(61.2)	1 442.3	1 355.4	12 501.5
Other income	180.0	–	–	(90.0)	90.0	90.0
Total requirements (net)	**86 737.9**	**(301.8)**	**(137.5)**	**6 889.3**	**6 270.0**	**93 187.9**

Table 2
Projected changes and proposed final appropriation by object of expenditure, 2016–2017
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed final appropriation*
Expenditure						
Posts	40 664.4	(98.7)	(149.0)	3 508.1	3 260.4	43 924.8
Other staff costs	21 903.7	(111.8)	5.3	4 768.8	4 662.3	26 566.0
Non-staff compensation	7 365.0	(25.6)	2.7	–	(22.9)	7 342.1
Consultants	95.4	(0.4)	–	9.5	9.1	104.5
Experts	41.2	(0.3)	–	–	(0.3)	40.9
Travel of staff	1 244.6	–	2.4	(393.6)	(391.2)	853.4
Contractual services	7 954.9	(24.9)	(1.4)	(1 552.9)	(1 579.2)	6 375.7
General operating expenses	7 043.0	(38.0)	2.3	492.0	456.3	7 499.3
Hospitality	11.1	–	–	–	–	11.1
Supplies and materials	222.8	(1.3)	0.4	(32.6)	(33.5)	189.3
Furniture and equipment	327.0	(0.4)	(0.2)	–	(0.6)	326.4
Improvement of premises	32.4	(0.4)	–	–	(0.4)	32.0
Grants and contributions	12.4	–	–	–	–	12.4
Staff assessment	11 146.1	(25.7)	(61.2)	1 442.3	1 355.4	12 501.5
Total expenditure (gross)	**98 064.0**	**(327.5)**	**(198.7)**	**8 241.6**	**7 715.4**	**105 779.4**
Income						
Staff assessment	11 146.1	(25.7)	(61.2)	1 442.3	1 355.4	12 501.5
Other	180.0	–	–	(90.0)	90.0	90.0
Total requirements (net)	**86 737.9**	**(301.8)**	**(137.5)**	**6 889.3**	**6 270.0**	**93 187.9**

A. Variations in budgetary assumptions

Rates of exchange and inflation (decrease: $526,200)

4. In terms of inflation and exchange rates, the adjustments in resources for 2017 are based on actual experience in 2017 as compared with the rates of exchange and inflation approved in the revised appropriation for 2016–2017. For 2016, the adjustments are based on the actual experience for 2016 as compared with the rates of exchange and inflation approved in the revised appropriation for 2016–2017, which include projections for the last two months of 2016.

5. In estimating the effect of exchange rate fluctuations experienced in 2017, the actual rates realized from January to November were used, with the November 2017 rate assumed for December 2017. Details of the assumptions are provided in annex I.

6. Accordingly, the decrease in requirements in this category is attributable to the weakening of the euro against the dollar ($327,500) and a decrease in the level of inflation ($198,700).

7. With regard to inflation, adjustments are based on the latest information available (November 2017) on consumer price indices as well as adjustments

resulting from differences in actual post adjustment indices for staff in the Professional and higher categories and salary scales for staff in the General Service and related categories.

B. Post incumbency and other changes

8. Changes reflected under "post incumbency and other changes" are explained below.

Chambers

Table 3
Projected changes and proposed final appropriation by object of expenditure, 2016–2017
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed final appropriation*
Non-staff compensation	7 365.0	(25.6)	2.7	–	(22.9)	7 342.1
Consultants	19.0	(0.1)	–	–	(0.1)	18.9
Travel of staff	126.2	–	0.2	–	0.2	126.4
Total requirements	**7 510.2**	**(25.7)**	**2.9**	**–**	**(22.8)**	**7 487.4**

9. There are no changes under "proposed post incumbency and other changes" for the Chambers.

Office of the Prosecutor

Table 4
Projected changes and proposed final appropriation by object of expenditure, 2016–2017
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed final appropriation*
Expenditure						
Posts	7 689.1	(5.9)	(9.2)	672.2	657.1	8 346.2
Other staff costs	5 987.7	(29.6)	1.2	2 268.1	2 239.7	8 227.4
Consultants	31.5	–	–	–	–	31.5
Travel of staff	200.9	–	0.4	–	0.4	201.3
Contractual services	22.9	(0.2)	–	–	(0.2)	22.7
Staff assessment	2 211.3	(3.2)	(5.3)	473.6	465.1	2 676.4
Total expenditure (gross)	**16 143.4**	**(38.9)**	**(12.9)**	**3 413.9**	**3 362.1**	**19 505.5**
Income						
Staff assessment	2 211.3	(3.2)	(5.3)	473.6	465.1	2 676.4
Total requirements (net)	**13 932.1**	**(35.7)**	**(7.6)**	**2 940.3**	**2 897.0**	**16 829.1**

Posts (increase: $672,200)

10. The increase reflects the net effect of additional requirements under salaries and common staff costs. The additional requirements under salaries are due to lower vacancy rates than approved. The budgetary assumptions included a vacancy rate of 6.9 per cent for the Professional and higher categories and 0.7 per cent for the General Service and related categories. In 2016, the average vacancy rates were 4.5 per cent for Professional posts and 0.4 per cent for General Service posts. For the period from January to September 2017, the average vacancy rates were zero per cent for both Professional and General Service posts. The increase under common staff costs reflects the planned closure of the Tribunal in December 2017 and relate to repatriation grant and travel, annual leave commutation, termination indemnity and other end-of-service/separation-related adjustments and costs.

Other staff costs (increase: $2,268,100)

11. The increase under other staff costs relates to separation payments, which includes repatriation grant and travel, annual leave commutation, termination indemnity and other separation-related adjustments and costs related to positions funded under general temporary assistance. For the biennium 2016–2017, general temporary assistance positions approved in lieu of some of the temporary posts abolished during the bienniums 2014–2015 and 2016–2017 that continued in 2016–2017 were phased out.

Staff assessment (increase: $473,600)

12. The increase reflects the increase under posts and other staff costs as mentioned above, which will be offset by a corresponding amount under income from staff assessment.

Registry

Table 5

Projected changes and proposed final appropriation by object of expenditure, 2016–2017

(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised appropriation*	*Rate of exchange*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed final appropriation*
Expenditure						
Posts	32 975.3	(92.8)	(139.8)	2 835.9	2 603.3	35 578.6
Other staff costs	15 916.0	(82.2)	4.1	2 500.7	2 422.6	18 338.6
Consultants	44.9	(0.3)	–	9.5	9.2	54.1
Experts	41.2	(0.3)	–	–	(0.3)	40.9
Travel of staff	917.5	–	1.8	(393.6)	(391.8)	525.7
Contractual services	7 932.0	(24.7)	(1.4)	(1 552.9)	(1 579.0)	6 353.0
General operating expenses	7 043.0	(38.0)	2.3	492.0	456.3	7 499.3
Hospitality	11.1	–	–	–	–	11.1
Supplies and materials	222.8	(1.3)	0.4	(32.6)	(33.5)	189.3
Furniture and equipment	327.0	(0.4)	(0.2)	–	(0.6)	326.4
Improvement of premises	32.4	(0.4)	–	–	(0.4)	32.0

Object of expenditure	*Revised appropriation*	*Projected changes*				*Proposed final appropriation*
		Rate of exchange	*Inflation*	*Post incumbency and other changes*	*Total*	
Grants and contributions	12.4	–	–	–	–	12.4
Staff assessment	8 934.8	(22.5)	(55.9)	968.7	890.3	9 825.1
Total expenditure (gross)	**74 410.4**	**(262.9)**	**(188.7)**	**4 827.7**	**4 376.1**	**78 786.5**
Income						
Staff assessment	8 934.8	(22.5)	(55.9)	968.7	890.3	9 825.1
Other income	180.0	–	–	(90.0)	90.0	90.0
Total requirements (net)	**65 295.6**	**(240.4)**	**(132.8)**	**3 949.0**	**3 395.8**	**68 871.4**

Posts (increase: $2,835,900)

13. The increase reflects the net effect of additional requirements under salaries and common staff costs resulting from vacancy rates being lower than those approved. The budgetary assumptions included vacancy rates of 6.9 per cent for the Professional and higher categories and 0.7 per cent for the General Service and related categories. For Professional posts, the average vacancy rate was 6.1 per cent for 2016 and 2.4 per cent for the period from January to September 2017. This is partially offset by the higher-than-budgeted vacancy rate of 2.8 per cent for 2016 and 2.6 per cent for January–September 2017 for General Service posts. The increase under common staff costs reflects the planned closure of the Tribunal in December 2017 and relate to repatriation grant and travel, annual leave commutation, termination indemnity and other separation-related adjustments and costs.

Other staff costs (increase: $2,500,700)

14. The increase under other staff costs is due to separation payments, which includes repatriation grant and travel, annual leave commutation, termination indemnity and other separation-related adjustments and costs related to positions funded under general temporary assistance. For the biennium 2016–2017, general temporary assistance positions approved in lieu of some of the temporary posts abolished during the bienniums 2014–2015 and 2016–2017 that continued in 2016–2017 were phased out.

Consultants (increase: $9,500)

15. The increase relates to an evaluation required by the Security Council in its resolution 2256 (2015) and the General Assembly in its resolution 70/227 with respect to the methods and work of the Tribunal in the context of the implementation of the completion strategy pursuant to Council resolution 1966 (2010). Resources under this line were utilized by the Office of Internal Oversight Services to engage the services of a senior-level legal expert to assist in conducting the evaluation in 2016.

Travel of staff (decrease: $393,600)

16. The decrease is the result of fewer witnesses actually being called to testify during the biennium in the Trial Chambers than the number anticipated.

Contractual services (decrease: $1,552,900)

17. The decrease is due to reduced requirements for: (a) court reporting services in English and French; (b) defence counsel, owing to lower-than-anticipated courtroom utilization and hearing time as a result of a change in the completion date of the active phase of the Mladić trial, which was completed four months earlier than projected, the premature ending of the Hadžić case following the death of the accused and a reduction in the number of witnesses called to testify during the biennium; and (c) the higher-than-projected use of in-house capacity for translation instead of using contractual translators. The decrease is partially offset by actual higher costs for the 23 prison cells at the Scheveningen penitentiary during the biennium.

General operating expenses (increase: $492,000)

18. The increase is due mainly to the higher actual rental costs in the headquarters building in The Hague, partially offset by reduced requirements for electricity as a result of consumption-reduction initiatives, such as the use of low-energy bulbs and motion-sensor switches.

Supplies and materials (decrease: $32,600)

19. The decrease is due mainly to reduced requirements for public information supplies, including the reduction of the number of tapes used for court proceedings as a consequence of a lower level of courtroom utilization.

Staff assessment (increase: $968,700)

20. The increase reflects the increased requirements related to posts and other staff costs, as mentioned above, which will be offset by a corresponding amount under income from staff assessment.

III. Action to be taken by the General Assembly

21. **The General Assembly is requested to take note of the present report and to approve the final appropriation for the biennium 2016–2017 of $105,779,400 (gross), $93,187,900 (net) to the Special Account for the International Tribunal for the Former Yugoslavia.**

Annex I

Budgetary assumptions

The following parameters were used in formulating the present proposed estimates for the final appropriation:

	Estimates reflected in the first performance report[a]		*Proposed estimates for the final appropriation*	
Budget parameters	*2016*	*2017*	*2016*	*2017*
Rate of exchange[b]	0.906	0.881	0.905	0.893
Rate of inflation (percentage)	0.2	1.0	0.1	1.3
Post adjustment multiplier at The Hague (percentage)	32.61	34.00	32.62	34.03

[a] A/71/578.

[b] The euro to the United States dollar.

Annex II

Trial activity during the biennium 2016–2017

1. The core work of the International Tribunal for the Former Yugoslavia has been the completion of all trials and appeals. At the time of the preparation of the present report, the Tribunal had rendered during the biennium two trial judgments and one appeal judgment, with one more trial judgment scheduled for 22 November 2017 and one more appeal judgment scheduled for 29 November 2017, before the conclusion of the Tribunal's mandate on 31 December 2017.

Trial Chamber I

2. In the **Mladić case**, the accused Ratko Mladić is charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Bosnia and Herzegovina between 12 May 1992 and 30 November 1995. The Trial Chamber is composed of Judges Alphons Orie (presiding), Christoph Flügge and Bakone Justice Moloto. The trial commenced on 16 May 2012, and the evidentiary phase of the case was concluded in August 2016, with the parties presenting their closing arguments in December 2016. The total number of witnesses in the Mladić case is 591, with 377 having appeared before the Trial Chamber, and 10,038 exhibits have been admitted into evidence. Despite significant challenges in 2017, with a large number of staff members leaving the Tribunal for more secure employment elsewhere, the Trial Chamber will deliver the judgment in this case on 22 November 2017, as announced in a scheduling order on 18 October 2017.

3. In the **Jojić and Radeta** contempt case, the accused Petar Jojić and Vjerica Radeta are charged with three counts of contempt of court in relation to alleged witness intimidation in the former trial case of Prosecutor v. Vojislav Šešelj. Proceedings against another accused, Jovo Ostojić, were terminated on 17 August 2017 following Ostojić's death. The proceedings in this contempt case commenced on 30 October 2012 with the issuance of an order in lieu of indictment, but remained confidential until 1 December 2015. Arrest warrants have been pending execution in Serbia since 19 January 2015 — now almost three years ago — and yet Serbia has taken no action. On 5 October 2016, international arrest warrants for the accused were issued confidentially by the Trial Chamber and were released in public or public redacted form on 29 November 2016. Subsequently, INTERPOL issued Red Notices seeking the location and arrest of the accused, effective 16 March 2017.

Trial Chamber II

4. In the **Hadžić case**, the accused Goran Hadžić was charged with 14 counts of crimes against humanity and violations of the laws or customs of war, all in relation to acts allegedly committed in Croatia and Serbia between 25 June 1991 and December 1993. The Trial Chamber was composed of Judges Guy Delvoie (presiding), Burton Hall and Antoine Kesia-Mbe Mindua. The trial commenced on 16 October 2012. However, owing to serious problems with Mr. Hadžić's health, the trial was interrupted and no hearings in this case were held after 20 October 2014. On 26 October 2015, the Trial Chamber ordered a stay of proceeding for an initial period of three months owing to the ill health of the accused. On 24 March 2016, the Trial Chamber found the accused unfit to stand trial and stayed the proceedings indefinitely. Following the death of Mr. Hadžić on 12 July 2016, the Trial Chamber terminated the proceedings in this case on 22 July 2016.

Trial Chamber III

5. In the **Karadžić case**, the accused was charged with 11 counts of genocide, crimes against humanity and violations of the laws or customs of war. On 24 March 2016, the Trial Chamber issued the trial judgment, finding the accused not guilty of one count of genocide pertaining to seven municipalities in Bosnia and Herzegovina. The Trial Chamber found the accused guilty of the remaining 10 counts, namely genocide in Srebrenica, persecution, extermination, murder, deportation and forcible transfer, all crimes against humanity, as well as murder, terror, unlawful attacks on civilians and hostage-taking, all violations of the laws or customs of war. The Trial Chamber sentenced the accused to a single sentence of 40 years of imprisonment.

6. In the **Šešelj case**, the trial judgment was rendered on 31 March 2016. The accused had faced nine counts: three for crimes against humanity (persecution, deportation and inhumane acts of forcible transfer) and six for war crimes (murder, torture and cruel treatment, wanton destruction, destruction or wilful damage done to institutions dedicated to religion or education, plunder of public or private property). He was accused of having directly committed, incited or aided and abetted those crimes committed by Serbian forces during the period from August 1991 to September 1993 and to have been part of their commission through his participation in a joint criminal enterprise. Vojislav Šešelj was acquitted of all charges, with a majority decision on eight counts and a unanimous decision on one count.

Appeals Chamber

7. In the **Stanišić and Župljanin case**, the appeal judgment was pronounced on 30 June 2016. The Appeals Chamber, composed of Judges Carmel Agius (presiding), Liu Daqun, Christoph Flügge, Fausto Pocar and Koffi Kumelio A. Afande, dismissed the parties' respective appeals and affirmed Mićo Stanišić's and Stojan Župljanin's sentences of 22 years of imprisonment.

8. In the **Prlić et al. case**, by order of 5 October 2017, the pronouncement of the judgment has been scheduled for 29 November 2017. The Appeals Chamber is composed of Judges Carmel Agius (presiding), Liu Daqun, Fausto Pocar, Theodor Meron and Bakone Justice Moloto. As previously reported, this is the most voluminous appellate case in the history of the Tribunal, with seven appeals (one by each of the six defendants and one by the Office of the Prosecutor), 146 grounds of appeal and 12,196 pages of appellate submissions dealing with a trial judgment more than 2,000 pages in length. Since January 2017, more highly qualified staff members have left the Tribunal to take up secure or longer-term opportunities with other employers, including eight legal officers assigned to assist the judges on the Prlić et al. case. The departure of core staff members who are familiar with this voluminous and complex appeal case has increased the already immense workload of the remaining staff. As the required case knowledge and appeal experience of the separated staff could not be replaced by new staff at this late stage of the judgment-drafting process, the reassignment of tasks and the dedication of the staff members who have committed to remaining until the very end are ensuring the necessary stability of the case until its completion by 29 November 2017.

Interlocutory appeals

9. The Appeals Chamber issued several decisions and orders in respect of interlocutory appeals in 2016 and 2017. Some of these were issued confidentially and therefore cannot be discussed here.

10. In the **Hadžić case**, the Appeals Chamber granted in part on 4 March 2016 the Office of the Prosecutor's appeal of the Trial Chamber's decision of 26 October 2015.

11. In the **Mladić case**, the Appeals Chamber issued on 27 February 2017 a public decision dismissing an interlocutory appeal by Ratko Mladić against a decision of the Trial Chamber, which had rejected Mladić's allegations that his rights to a fair trial and the presumption of innocence had been compromised. The Appeals Chamber found that Mladić had failed in multiple respects to demonstrate that the Trial Chamber had erred in its decision. On 30 June 2017, the Appeals Chamber issued a public redacted version of a decision on Ratko Mladić's interlocutory appeal against the Trial Chamber's decision on an urgent defence motion for provisional release. The Appeals Chamber found that Mladić had failed to demonstrate a discernable error of the Trial Chamber in its denial of provisional release. In connection with this decision, the Appeals Chamber, on 24 May 2017, issued an order for an expedited response and reply to the motion.

Pre-appeal decisions and orders

12. A total of 42 pre-appeal decisions and orders were issued during the reporting period.

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Financing of the International Residual Mechanism for Criminal Tribunals

Second performance report on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2016–2017

Report of the Secretary-General*

Summary

The present report provides an estimate of the anticipated final level of expenditure for the International Residual Mechanism for Criminal Tribunals for the biennium 2016–2017, taking into account changes in parameters for inflation and exchange rates compared with the assumptions made in the first performance report (A/71/579), which was reviewed by the General Assembly at its seventy-first session and formed the basis for the revised appropriation and estimate of income for the biennium.

The anticipated final level of expenditure for the Mechanism for 2016–2017 amounts to $131,966,100, reflecting a decrease of $3,781,600. The decrease is the result of the strengthening of the dollar against the euro and the Tanzanian shilling, lower inflation and decreases related to post and non-post resources. The anticipated final level of income for 2016–2017 amounts to $11,381,400, reflecting an increase of $787,200. Consequently, the combined effect of the anticipated final level of expenditure and income for 2016–2017 amounts to a decrease of $4,568,800.

* The date of submission takes into account the requirement to present the latest actual expenditure data to allow for better projections.

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I. Introduction

1. The second performance report on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2016–2017 provides an estimate of the anticipated final level of expenditure and income for the period. The estimate takes into account actual expenditure for the first 22 months of the biennium, projected requirements for the last 2 months, changes in inflation and exchange rates, and uses the approved recosting methodology as compared with the assumptions made in the first performance report (A/71/579), which was reviewed by the General Assembly at its seventy-first session and formed the basis for the revised appropriation and estimates of income for 2016–2017.

2. The activities of the Mechanism projected for the biennium 2016–2017 were predominantly judicial and most of the requirements were therefore linked to the pace of judicial activities.

II. Explanation of the changes in expenditure requirements

3. The combined effect of the anticipated final level of expenditure and income represents a decrease in net requirements of $4,568,800 compared with the revised appropriation and income reflected in the revised appropriation for the biennium 2016–2017, approved by the General Assembly in its resolution 71/269, as shown in tables 1 and 2.

Table 1
Projected changes and proposed final appropriation by component

(Thousands of United States dollars)

		Projected changes				
Component	*Revised 2016–2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016–2017 final appropriation*
Expenditure						
Arusha						
Chambers	3 550.4	(23.8)	(14.3)	(3 096.4)	(3 134.5)	415.9
Office of the Prosecutor	9 819.5	(77.4)	(3.1)	(2 417.2)	(2 497.7)	7 321.8
Registry	57 115.1	(509.1)	(121.2)	(18 333.4)	(18 963.7)	38 151.4
Records management and archives	3 298.3	(26.6)	6.9	763.8	744.1	4 042.4
Liabilities for payment of pensions of retired judges and after-service health insurance for former staff members	3 420.7	(25.7)	(15.4)	–	(41.1)	3 379.6
International Criminal Tribunal for Rwanda liquidation expenditures	–	–	–	2 622.4	2 622.4	2 622.4
Subtotal	**77 204.0**	**(662.6)**	**(147.1)**	**(20 460.8)**	**(21 270.5)**	**55 933.5**

		Projected changes				
Component	*Revised 2016-2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016-2017 final appropriation*
The Hague						
Chambers	2 888.0	(22.7)	2.3	(245.4)	(265.8)	2 622.2
Office of the Prosecutor	9 522.4	(53.4)	(0.9)	4 361.4	4 307.1	13 829.5
Registry	42 450.8	(236.7)	(10.7)	13 396.4	13 149.0	55 599.8
Records management and archives	3 524.2	(16.1)	(7.1)	262.0	238.8	3 763.0
Subtotal	**58 385.4**	**(328.9)**	**(16.4)**	**17 774.4**	**17 429.1**	**75 814.5**
New York						
Mechanism support	158.3	–	1.1	58.7	59.8	218.1
Subtotal	**158.3**	**–**	**1.1**	**58.7**	**59.8**	**218.1**
Total expenditure (gross)	**135 747.7**	**(991.5)**	**(162.4)**	**(2 627.7)**	**(3 781.6)**	**131 966.1**
Income						
Staff assessment	10 594.2	(59.7)	(18.6)	865.5	787.2	11 381.4
Total requirements (net)	**125 153.5**	**(931.8)**	**(143.8)**	**(3 493.2)**	**(4 568.8)**	**120 584.7**

Table 2
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016-2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016-2017 final appropriation*
Expenditure						
Arusha						
Posts	26 718.2	(212.1)	108.2	(3 061.3)	(3 165.2)	23 553.0
Other staff costs	21 743.8	(218.0)	(131.6)	(11 502.7)	(11 852.3)	9 891.5
Non-staff compensation	6 114.9	(41.0)	(24.6)	(3 096.4)	(3 162.0)	2 952.9
Consultants	64.2	(0.7)	(0.4)	38.7	37.6	101.8
Experts	296.6	(3.1)	(1.9)	(198.6)	(203.6)	93.0
Travel of staff	1 691.1	–	3.2	(343.5)	(340.3)	1 350.8
Contractual services	4 512.0	(46.9)	(28.5)	(1 691.6)	(1 767.0)	2 745.0
General operating expenses	7 101.4	(73.9)	(44.4)	(742.5)	(860.8)	6 240.6
Hospitality	22.1	(0.2)	(0.2)	–	(0.4)	21.7
Supplies and materials	795.5	(8.2)	(4.8)	–	(13.0)	782.5
Furniture and equipment	2 423.6	(25.5)	(15.6)	(215.0)	(256.1)	2 167.5
Improvement of premises	21.1	(0.2)	(0.1)	–	(0.3)	20.8
Grants and contributions	825.0	–	–	1 765.2	1 765.2	2 590.2
Staff assessment	4 874.5	(32.8)	(6.4)	(1 413.1)	(1 452.3)	3 422.2
Subtotal	**77 204.0**	**(662.6)**	**(147.1)**	**(20 460.8)**	**(21 270.5)**	**55 933.5**

Object of expenditure	*Revised 2016–2017 appropriation*	*Projected changes*				*Proposed 2016–2017 final appropriation*
		Exchange rate	*Inflation*	*Post incumbency and other changes*	*Total*	
The Hague						
Posts	11 840.6	(52.2)	(25.8)	820.2	742.2	12 582.8
Other staff costs	22 120.2	(139.4)	10.5	12 814.6	12 685.7	34 805.9
Non-staff compensation	2 551.0	(22.7)	1.7	(159.7)	(180.7)	2 370.3
Experts	30.2	(0.2)	0.1	16.5	16.4	46.6
Travel of representatives	337.0	–	0.6	(85.7)	(85.1)	251.9
Travel of staff	807.4	–	1.7	182.7	184.4	991.8
Contractual services	4 476.4	(28.0)	2.1	1 648.4	1 622.5	6 098.9
General operating expenses	7 540.1	(47.1)	3.6	508.8	465.3	8 005.4
Hospitality	9.0	(0.1)	–	–	(0.1)	8.9
Supplies and materials	319.6	(2.2)	0.4	37.7	35.9	355.5
Furniture and equipment	1 610.3	(9.9)	0.8	316.3	307.2	1 917.5
Improvement of premises	31.3	(0.2)	0.1	–	(0.1)	31.2
Grants and contributions	1 008.5	–	–	(598.5)	(598.5)	410.0
Staff assessment	5 703.8	(26.9)	(12.2)	2 273.1	2 234.0	7 937.8
Subtotal	**58 385.4**	**(328.9)**	**(16.4)**	**17 774.4**	**17 429.1**	**75 814.5**
New York						
Posts	142.4	–	1.1	53.2	54.3	196.7
Staff assessment	15.9	–	–	5.5	5.5	21.4
Subtotal	**158.3**	**–**	**1.1**	**58.7**	**59.8**	**218.1**
Total expenditure (gross)	**135 747.7**	**(991.5)**	**(162.4)**	**(2 627.7)**	**(3 781.6)**	**131 966.1**
Income						
Staff assessment	10 594.2	(59.7)	(18.6)	865.5	787.2	11 381.4
Total requirements (net)	**125 153.5**	**(931.8)**	**(143.8)**	**(3 493.2)**	**(4 568.8)**	**120 584.7**

A. Variations in budgetary assumptions

Rates of exchange and inflation (decrease: $1,153,900)

4. In terms of inflation and exchange rates, the adjustments of resources for 2017 are based on actual experience in 2017 as compared with inflation and exchange rates approved in the revised appropriation for 2016–2017. For 2016, the adjustments are based on the actual experience for 2016 as compared with inflation and exchange rates approved in the revised appropriation for 2016–2017, which included projections for the last two months of 2016.

5. In estimating the effect of exchange rate fluctuations experienced in 2017, the actual rates realized from January to November were used, the November 2017 rate being assumed for December 2017. Details of the assumptions are reflected in annex I to the present report.

6. Accordingly, the decrease in requirements in this category is attributable to the strengthening of the dollar against the euro and the Tanzanian shilling ($991,500) and a decrease in the level of inflation ($162,400).

7. With regard to inflation, adjustments are based on the latest information available (November 2017) on consumer price indices as well as adjustments resulting from differences in actual post adjustment indices for staff in the Professional category and above and salary scales for staff in the General Service and related categories.

B. Post incumbency and other changes

8. The changes reflected under post incumbency and other changes are explained below.

Chambers

Table 3
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016–2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016–2017 final appropriation*
Arusha						
Non-staff compensation	3 550.4	(23.8)	(14.3)	(3 096.4)	(3 134.5)	415.9
Subtotal	**3 550.4**	**(23.8)**	**(14.3)**	**(3 096.4)**	**(3 134.5)**	**415.9**
The Hague						
Non-staff compensation	2 551.0	(22.7)	1.7	(159.7)	(180.7)	2 370.3
Travel of representatives	337.0	–	0.6	(85.7)	(85.1)	251.9
Subtotal	**2 888.0**	**(22.7)**	**2.3**	**(245.4)**	**(265.8)**	**2 622.2**
Total	**6 438.4**	**(46.5)**	**(12.0)**	**(3 341.8)**	**(3 400.3)**	**3 038.1**

Non-staff compensation (decrease $3,256,100, including a decrease of $3,096,400 under the Arusha branch and a decrease of $159,700 under The Hague branch)

9. The decrease reflects the following:

(a) Arusha: a decrease resulting from the lower than anticipated level of judicial activity, specifically, the absence of trials owing to the non-arrest of two fugitives during the biennium;

(b) The Hague: a decrease owing mainly to (i) the passing away of one of the accused persons, Goran Hadžić, in July 2016, which resulted in the International Tribunal for the Former Yugoslavia terminating procedures prior to the case being transferred to the Mechanism; and (ii) a lower than budgeted average daily honorarium, which fluctuated from $595 to $670 during the biennium 2016–2017, compared to a daily rate of $714 contained in the 2016–2017 budgetary assumptions.

Travel of representatives (decrease: $85,700, entirely under The Hague branch)

10. The decrease is mainly related to optimal planning in travel management and lower requirements for the plenary meeting of the Mechanism's judges held in The Hague in 2016.

Office of the Prosecutor

Table 4
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016-2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016-2017 final appropriation*
Expenditure						
Arusha						
Posts	4 659.3	(36.9)	19.1	795.6	777.8	5 437.1
Other staff costs	3 065.9	(30.5)	(18.3)	(2 396.4)	(2 445.2)	620.7
Experts	137.2	(1.5)	(0.9)	(104.8)	(107.2)	30.0
Travel of staff	684.6	–	1.3	(288.4)	(287.1)	397.5
Contractual services	67.2	(0.7)	(0.4)	(38.8)	(39.9)	27.3
General operating expenses	369.1	(3.8)	(2.3)	(211.5)	(217.6)	151.5
Staff assessment	836.2	(4.0)	(1.6)	(172.9)	(178.5)	657.7
Subtotal	**9 819.5**	**(77.4)**	**(3.1)**	**(2 417.2)**	**(2 497.7)**	**7 321.8**
The Hague						
Posts	2 198.4	(9.6)	(2.4)	361.2	349.2	2 547.6
Other staff costs	5 895.1	(37.3)	2.8	3 358.4	3 323.9	9 219.0
Experts	30.2	(0.2)	0.1	16.5	16.4	46.6
Travel of staff	105.9	–	0.2	103.3	103.5	209.4
Contractual services	69.0	(0.4)	0.1	(39.4)	(39.7)	29.3
Staff assessment	1 223.8	(5.9)	(1.7)	561.4	553.8	1 777.6
Subtotal	**9 522.4**	**(53.4)**	**(0.9)**	**4 361.4**	**4 307.1**	**13 829.5**
Total expenditure (gross)	**19 341.9**	**(130.8)**	**(4.0)**	**1 944.2**	**1 809.4**	**21 151.3**
Income						
Staff assessment	2 060.0	(9.9)	(3.3)	388.5	375.3	2 435.3
Total requirements (net)	**17 281.9**	**(120.9)**	**(0.7)**	**1 555.7**	**1 434.1**	**18 716.0**

Posts (increase: $1,156,800, including an increase of $795,600 under the Arusha branch and an increase of $361,200 under The Hague branch)

11. The increase reflects the following:

(a) Arusha: an increase mainly attributable to overall lower than budgeted vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 10.5 per cent for the Professional category and above and 4.8 per cent for the General Service and related categories. During 2016, the average vacancy rates were 8.3 per cent for Professional posts and zero per cent for General Service and

related posts. For the period from January to September 2017, the average vacancy rates were 12.5 per cent for Professional posts and zero per cent for General Service posts;

(b) The Hague: an increase attributable to higher than budgeted common staff costs, offset in part by higher average vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 4.3 per cent for the Professional category and above and 2.2 per cent for the General Service and related categories. During 2016, the average vacancy rates were 13.8 per cent for Professional posts and zero per cent for General Service and related posts. For the period from January to September 2017, the average vacancy rates were 5.7 per cent for Professional posts and zero per cent for General Service posts.

Other staff costs (net increase: $962,000, including a decrease of $2,396,400 under the Arusha branch and an increase of $3,358,400 under The Hague branch)

12. The increase reflects the following:

(a) Arusha: a decrease owing to the lower than anticipated judicial activity during the biennium, attributable to the non-occurrence of the trials of two fugitives;

(b) The Hague: an increase owing to the additional workload brought about by the unforeseen retrial in the *Stanišić and Simatović* case, for which no provisions were made in the 2016–2017 budget.

Experts (net decrease: $88,300, including a decrease of $104,800 under the Arusha branch and an increase of $16,500 under The Hague branch)

13. The decrease reflects the following:

(a) Arusha: a decrease owing to the lower than anticipated judicial activity as a result of the non-arrest of the fugitives during the biennium;

(b) The Hague: an increase owing to the additional workload brought about by the retrial in the *Stanišić and Simatović* case.

Travel of staff (net decrease: $185,100, including a decrease of $288,400 under the Arusha branch and an increase of $103,300 under The Hague branch)

14. The decrease reflects the following:

(a) Arusha: a decrease owing mainly to the fact that missions projected in respect of the prosecution of fugitives were not undertaken, since the two fugitives were not arrested during the biennium;

(b) The Hague: an increase due mainly to additional missions in support of the retrial in the *Stanišić and Simatović* case.

Contractual services (decrease: $78,200, including a decrease of $38,800 under the Arusha branch and a decrease of $39,400 under The Hague branch)

15. The decrease reflects a reduction under training for both Arusha and The Hague, due to the fact that the annual team meeting, involving both branches, was not held.

General operating expenses (decrease: $211,500, solely under the Arusha branch)

16. The decrease relates to a revised approach to the issue of source management and a refocusing of tracking goals to include other areas such as physical surveillance, technical surveillance and analysis of information, particularly relating

to technical surveillance. The Office of the Prosecutor set up two task forces, one in Africa and one in Europe, and has used partners, such as France, Belgium, the United Kingdom of Great Britain and Northern Ireland and INTERPOL, to more effect, which has enabled the Office of the Prosecutor to tap into their national and international expertise.

Staff assessment (net increase $388,500, including a decrease of $172,900 under the Arusha branch and an increase of $561,400 under The Hague branch)

17. The increase reflects the portion of staff assessment relating to the change in requirements under posts and other staff costs.

Registry

Table 5
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016-2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016-2017 final appropriation*
Expenditure						
Arusha						
Posts	19 614.0	(155.3)	78.6	(4 540.3)	(4 617.0)	14 997.0
Other staff costs	17 818.8	(179.0)	(108.2)	(9 433.4)	(9 720.6)	8 098.2
Consultants	64.2	(0.7)	(0.4)	–	(1.1)	63.1
Experts	159.4	(1.6)	(1.0)	(93.8)	(96.4)	63.0
Travel of staff	940.6	–	1.8	(83.6)	(81.8)	858.8
Contractual services	4 347.9	(45.1)	(27.5)	(1 661.1)	(1 733.7)	2 614.2
General operating expenses	6 655.9	(69.3)	(41.6)	(558.6)	(669.5)	5 986.4
Hospitality	22.1	(0.2)	(0.2)	–	(0.4)	21.7
Supplies and materials	723.4	(7.5)	(4.5)	–	(12.0)	711.4
Furniture and equipment	2 151.2	(22.7)	(13.8)	(215.0)	(251.5)	1 899.7
Improvement of premises	21.1	(0.2)	(0.1)	–	(0.3)	20.8
Grants and contributions	825.0	–	–	(340.0)	(340.0)	485.0
Staff assessment	3 771.5	(27.5)	(4.3)	(1 407.6)	(1 439.4)	2 332.1
Subtotal	**57 115.1**	**(509.1)**	**(121.2)**	**(18 333.4)**	**(18 963.7)**	**38 151.4**
The Hague						
Posts	7 409.1	(32.7)	(18.3)	235.6	184.6	7 593.7
Other staff costs	16 221.0	(102.0)	7.7	9 456.2	9 361.9	25 582.9
Travel of staff	657.0	–	1.4	79.4	80.8	737.8
Contractual services	4 277.1	(26.9)	1.9	1 687.8	1 662.8	5 939.9
General operating expenses	7 406.7	(46.3)	3.4	508.8	465.9	7 872.6
Hospitality	9.0	(0.1)	–	–	(0.1)	8.9
Supplies and materials	274.4	(1.7)	0.3	37.7	36.3	310.7
Furniture and equipment	1 070.7	(6.6)	0.6	316.3	310.3	1 381.0
Improvement of premises	31.3	(0.2)	0.1	–	(0.1)	31.2

Object of expenditure	*Revised 2016-2017 appropriation*	*Projected changes*				*Proposed 2016-2017 final appropriation*
		Exchange rate	*Inflation*	*Post incumbency and other changes*	*Total*	
Grants and contributions	1 008.5	–	–	(598.5)	(598.5)	410.0
Staff assessment	4 086.0	(20.2)	(7.8)	1 673.1	1 645.1	5 731.1
Subtotal	**42 450.8**	**(236.7)**	**(10.7)**	**13 396.4**	**13 149.0**	**55 599.8**
New York						
Posts	142.4	–	1.1	53.2	54.3	196.7
Staff assessment	15.9	–	–	5.5	5.5	21.4
Subtotal	**158.3**	**–**	**1.1**	**58.7**	**59.8**	**218.1**
Total expenditure (gross)	**99 724.2**	**(745.8)**	**(130.8)**	**(4 878.3)**	**(5 754.9)**	**93 969.3**
Income						
Staff assessment	7 873.4	(47.7)	(12.1)	271.0	211.2	8 084.6
Total requirements (net)	**91 850.8**	**(698.1)**	**(118.7)**	**(5 149.3)**	**(5 966.1)**	**85 884.7**

Posts (net decrease: $4,251,500, including a decrease of $4,540,300 under the Arusha branch, an increase of $235,600 under The Hague branch and an increase of $53,200 under Mechanism support in New York)

18. The net decrease reflects the following:

(a) Arusha: a decrease mainly attributable to higher than budgeted overall vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 10.5 per cent for the Professional category and above and 4.8 per cent for the General Service and related categories. During 2016, the average vacancy rates were 10.9 per cent for Professional posts and 4.0 per cent for General Service and related posts. For the period from January to September 2017, the average vacancy rates were 12.3 per cent for Professional posts and 1.9 per cent for General Service posts;

(b) The Hague: an increase attributable to higher than budgeted common staff costs, offset in part by higher average vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 4.3 per cent for the Professional category and above and 2.2 per cent for the General Service and related categories. During 2016, the average vacancy rates were 6.3 per cent for Professional posts and 2.4 per cent for General Service and related posts. For the period from January to September 2017, the average vacancy rates were 3.9 per cent for Professional posts and 3.3 per cent for General Service posts;

(c) New York: an increase due to a lower than budgeted actual vacancy rate during the biennium. The budgetary assumptions included a vacancy rate of 55.8 per cent compared with actual vacancy rates of 33.3 per cent and zero per cent for 2016 and 2017, respectively.

Other staff costs (net increase: $22,800, including a decrease of $9,433,400 under the Arusha branch and an increase of $9,456,200 under The Hague branch)

19. The increase reflects the following:

(a) Arusha: a decrease owing mainly to the lower than anticipated judicial activity during the biennium, attributable to the non-occurrence of the trials of two fugitives. The two fugitives were not arrested during the biennium;

(b) The Hague: an increase owing mainly to the additional staff that had to be recruited to support the undertaking of the Stanišić and Simatović retrial, for which no provisions were made in the 2016–2017 budget.

Experts (decrease: $93,800, solely under the Arusha branch)

20. The decrease mainly reflects the lower requirements for expert witnesses for the defence teams, attributable to the fact that the two fugitives were not arrested during the biennium.

Travel of staff (net decrease: $4,200, including a decrease of $83,600 under the Arusha branch and an increase of $79,400 under The Hague branch)

21. The decrease reflects the following:

(a) Arusha: a decrease owing mainly to the lower than anticipated judicial activity, attributable to the fact that the two fugitives were not arrested during the biennium;

(b) The Hague: an increase due mainly to additional travel required in support of the Stanišić and Simatović retrial.

Contractual services (net increase: $26,700, including a decrease of $1,661,100 under the Arusha branch and an increase of $1,687,800 under The Hague branch)

22. The increase reflects the following:

(a) Arusha: a decrease owing mainly to lower than budgeted requirements for defence counsel, attributable to the fact that the two fugitives were not arrested during the biennium;

(b) The Hague: an increase owing mainly to higher than budgeted requirements for defence counsel and verbatim reporting attributable to the undertaking of the Stanišić and Simatović retrial, which was not contemplated in the 2016–2017 judicial calendar and hence not budgeted for in the current biennium.

General operating expenses (net decrease: $49,800, including a decrease of $558,600 under the Arusha branch and an increase of $508,800 under The Hague branch)

23. The decrease reflects the following:

(a) Arusha: a reduction attributable mainly to (i) lower than anticipated level of judicial activity in Arusha, specifically the non-occurrence of trials of fugitives; and (ii) lower requirements for enforcement of sentences due to the fact that the projected transfers of persons convicted by the International Criminal Tribunal for Rwanda from the United Nations Detention Facility to enforcement States did not occur;

(b) The Hague: an increase attributable mainly to the higher than budgeted actual rental costs in the headquarters building, which is partially offset by reduced requirements for electricity as a result of consumption-reduction initiatives, such as the use of low-energy light bulbs and motion-sensor switches.

Supplies and materials (increase: $37,700, relating solely to The Hague branch)

24. The increase reflects the higher than budgeted requirements for audio/video supplies as a result of the increase in the number of tapes used for the proceedings in the *Stanišić and Simatović* case.

Furniture and equipment (net increase: $101,300, including a decrease of $215,000 under the Arusha branch and an increase of $316,300 under The Hague branch)

25. The increase is the net effect of the following:

(a) Arusha: a decrease owing mainly to less than budgeted acquisition of furniture and office equipment, as a result of the non-arrest of the two fugitives;

(b) The Hague: an increase owing mainly to additional requirements related to the acquisition of security and safety equipment to replace obsolete equipment. The additional judicial activity brought about by the Stanišić and Simatović retrial led to a consequential increase in court room operations, which in turn required the replacement of equipment to reduce the likelihood of system failures.

Grants and contributions (decrease: $938,500, including a decrease of $340,000 under the Arusha branch and a decrease of $598,500 under The Hague branch)

26. The decrease mainly reflects lower than budgeted actual charges by the United Nations Office at Geneva for support services provided to the Mechanism for both the Arusha branch and The Hague branch.

Staff assessment (net increase: $271,000, including a decrease of $1,407,600 under the Arusha branch, an increase of $1,673,100 under The Hague branch and an increase of $5,500 under Mechanism support in New York)

27. The increase reflects the portion of staff assessment relating to the change in requirements under posts and other staff costs.

Records management and archives

Table 6

Projected changes and proposed final appropriation by object of expenditure

(Thousands of United States dollars)

Object of expenditure	*Revised 2016-2017 appropriation*	*Projected changes*				*Proposed 2016-2017 final appropriation*
		Exchange rate	*Inflation*	*Post incumbency and other changes*	*Total*	
Expenditure						
Arusha						
Posts	2 444.9	(19.9)	10.5	683.4	674.0	3 118.9
Other staff costs	2.9	–	–	–	–	2.9
Travel of staff	65.9	–	0.1	–	0.1	66.0
Contractual services	96.9	(1.1)	(0.6)	–	(1.7)	95.2
General operating expenses	76.4	(0.8)	(0.5)	–	(1.3)	75.1
Supplies and materials	72.1	(0.7)	(0.3)	–	(1.0)	71.1
Furniture and equipment	272.4	(2.8)	(1.8)	–	(4.6)	267.8
Staff assessment	266.8	(1.3)	(0.5)	80.4	78.6	345.4
Subtotal	**3 298.3**	**(26.6)**	**6.9**	**763.8**	**744.1**	**4 042.4**

Object of expenditure	*Revised 2016-2017 appropriation*	*Projected changes*				*Proposed 2016-2017 final appropriation*
		Exchange rate	*Inflation*	*Post incumbency and other changes*	*Total*	
The Hague						
Posts	2 233.1	(9.9)	(5.1)	223.4	208.4	2 441.5
Other staff costs	4.1	(0.1)	–	–	(0.1)	4.0
Travel of staff	44.5	–	0.1	–	0.1	44.6
Contractual services	130.3	(0.7)	0.1	–	(0.6)	129.7
General operating expenses	133.4	(0.8)	0.2	–	(0.6)	132.8
Supplies and materials	45.2	(0.5)	0.1	–	(0.4)	44.8
Furniture and equipment	539.6	(3.3)	0.2	–	(3.1)	536.5
Staff assessment	394.0	(0.8)	(2.7)	38.6	35.1	429.1
Subtotal	**3 524.2**	**(16.1)**	**(7.1)**	**262.0**	**238.8**	**3 763.0**
Total expenditure (gross)	**6 822.5**	**(42.7)**	**(0.2)**	**1 025.8**	**982.9**	**7 805.4**
Income						
Staff assessment	660.8	(2.1)	(3.2)	119.0	113.7	774.5
Total requirements (net)	**6 161.7**	**(40.6)**	**3.0**	**906.8**	**869.2**	**7 030.9**

Posts (increase: $906,800, including an increase of $683,400 under the Arusha branch and an increase of $223,400 under The Hague branch)

28. The increase reflects the following:

(a) Arusha: an increase attributable to lower than budgeted vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 10.5 per cent for the Professional category and above and 4.8 per cent for the General Service and related categories. During 2016, the average vacancy rates were zero per cent for Professional posts and zero per cent for General Service and related posts. For the period from January to September 2017, the average vacancy rates were 5.6 per cent for Professional posts and 2.2 per cent for General Service posts;

(b) The Hague: an increase attributable to lower than budgeted vacancy rates during the biennium. The budgetary assumptions included a vacancy rate of 4.3 per cent for the Professional category and above and 2.2 per cent for the General Service and related categories. During 2016, the average vacancy rates were zero per cent for Professional posts and zero per cent for General Service and related posts. For the period from January to September 2017, the average vacancy rate was zero per cent for both Professional and General Service posts.

Staff assessment (increase: $119,000, including an increase of $80,400 under the Arusha branch and an increase of $38,600 under The Hague branch)

29. The increase reflects the portion of staff assessment relating to the change in requirements under posts.

Liabilities for payment of pensions of retired judges and after-service health insurance benefits to former staff members

30. In section II, paragraph 8, of its resolution 70/243, the General Assembly requested the Secretary-General, in the context of future budget submissions for the

Mechanism, to include a provision to fund the liabilities due within the related biennium for the pensions of retired judges, and their surviving spouses, and for after-service health insurance benefits to former staff of the International Criminal Tribunal for Rwanda, the Mechanism and, as appropriate, the International Tribunal for the Former Yugoslavia. Accordingly, a provision has been made to cover liabilities for payment of the pensions of retired judges and after-service health insurance benefits to former staff members, as shown below.

Table 7
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016–2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Projected 2016–2017 total appropriation*
Arusha						
Other staff costs	856.2	(8.5)	(5.1)	–	(13.6)	842.6
Non-staff compensation	2 564.5	(17.2)	(10.3)	–	(27.5)	2 537.0
Total	**3 420.7**	**(25.7)**	**(15.4)**	**–**	**(41.1)**	**3 379.6**

International Criminal Tribunal for Rwanda liquidation expenditures

31. In his final performance report on the budget of the International Criminal Tribunal for Rwanda for the biennium 2016–2017 (A/71/577), the Secretary-General provided an estimate of the final level of resources required for the biennium 2016–2017 for the liquidation activities of the Tribunal, including an increase in the amount of $3,726,700 over the approved appropriation of $2,086,100 gross.

32. By its resolution 71/267, the General Assembly approved the transfer and charge of $3,726,700 gross ($3,466,000 net) as part of the estimated final expenditure, and further expenditures, if any, in excess of the approved appropriation for that purpose, under the 2016–2017 budget for the Mechanism, to be reported in the context of the second performance report on the budget of the Mechanism.

33. For the year ended 31 December 2016, the actual overexpenditure of the 2016–2017 budget of the International Criminal Tribunal for Rwanda, after necessary adjustments have been made, was $2.1 million; that amount was accordingly transferred and charged against the 2016–2017 budget of the Mechanism pursuant to General Assembly resolution 71/267 in 2016. Thus, the information in table 8 includes the amount of $2.1 million transferred from the 2016–2017 budget of the Tribunal as well as estimates to cover further liquidation expenditures relating to the Tribunal incurred by the Mechanism, as appropriate.

Table 8
Projected changes and proposed final appropriation by object of expenditure
(Thousands of United States dollars)

		Projected changes				
Object of expenditure	*Revised 2016-2017 appropriation*	*Exchange rate*	*Inflation*	*Post incumbency and other changes*	*Total*	*Proposed 2016-2017 final appropriation*
Expenditure						
Arusha						
Other staff costs	–	–	–	327.1	327.1	327.1
Consultants	–	–	–	38.7	38.7	38.7
Travel of staff	–	–	–	28.5	28.5	28.5
Contractual services	–	–	–	8.3	8.3	8.3
General operating expenses	–	–	–	27.6	27.6	27.6
Grants and contributions	–	–	–	2 105.2	2 105.2	2 105.2
Staff assessment	–	–	–	87.0	87.0	87.0
Total expenditure (gross)	–	–	–	**2 622.4**	**2 622.4**	**2 622.4**
Income						
Staff assessment	–	–	–	87.0	87.0	87.0
Total requirements (net)	–	–	–	**2 535.4**	**2 535.4**	**2 535.4**

Other staff costs ($327,100)

34. The requirements under this heading relate to the costs associated with the contracts of short-term staff hired to support post-liquidation activities.

Consultants ($38,700)

35. The requirements relate to the charges for actuarial valuation services performed in respect of the liabilities for pension benefits and after-service health insurance of former judges and staff, respectively, of the International Criminal Tribunal for Rwanda.

Travel of staff ($28,500)

36. This covers the travel of short-term liquidation staff from Arusha to The Hague, as well as travel by The Hague-based finance staff to Arusha for assistance on liquidation. It also includes travel costs of staff of the Office of Internal Oversight Services for the post-liquidation audit of the International Criminal Tribunal for Rwanda.

Contractual services ($8,300)

37. The amount under this heading relates to charges in respect of the extension of software licences required in support of the liquidation exercise.

General operating expenses ($27,600)

38. The amount under this heading consists of charges for enforcement and witness protection activities as well as communications costs received as a result of

the extensive vendor reconciliation exercise performed by Mechanism staff as part of the post-liquidation activities.

Grants and contributions ($2,105,200)

39. This reflects the amount of overexpenditure for the year ended 31 December 2016 of the International Criminal Tribunal for Rwanda and charged against the Mechanism's 2016–2017 budget, in accordance with General Assembly resolution 71/267.

Staff assessment ($87,000)

40. The amount reflects the staff assessment portion relating to other staff costs.

III. Action to be taken by the General Assembly

41. **The General Assembly is requested to take note of the present report and to approve the final appropriation for the biennium 2016–2017 of $131,966,100 gross ($120,584,700 net) for the International Residual Mechanism for Criminal Tribunals.**

Annex I

Budgetary assumptions

The following parameters were used in formulating the present proposed estimates for the final appropriation:

	Duty station							
	The Hague (euro to US $1)				*Arusha (Tanzanian shilling to US $1)*			
	Estimates reflected in the first performance report		*Proposed estimates for the final appropriation*		*Estimates reflected in the first performance report*		*Proposed estimates for the final appropriation*	
Budget parameters	*2016*	*2017*	*2016*	*2017*	*2016*	*2017*	*2016*	*2017*
Rate of exchange	0.906	0.881	0.905	0.893	2 183.117	2 181.000	2 183.179	2 230.713
Inflation rate (percentage)	0.2	1.0	0.1	1.3	5.2	6.5	5.2	5.40
Post adjustment multiplier (percentage)	32.61	34.00	32.62	34.03	42.75	41.50	42.72	40.77

Annex II

Judicial activity during the biennium 2016–2017

I. Principal activities of the President

In his judicial capacity, the President, during the course of the biennium (as from 31 October 2017) issued 42 orders and decisions in relation to matters concerning the enforcement of sentences. He issued a number of other orders and decisions, including on matters related to the review of administrative decisions and requests related to cases referred to national jurisdictions. In addition, the President issued 148 orders assigning matters to a single judge or the Appeals Chamber. He also presided over and served as pre-appeal judge on the appeal cases of *Prosecutor v. Vojislav Šešelj* and *Prosecutor v. Radovan Karadžić*. The President further presided over a number of matters on appeal, including over requests for review of judgment in the cases of *Prosecutor v. Augustin Ngirabatware*, *Prosecutor v. Eliézer Niyitegeka*, and *Prosecutor v. Laurent Semanza*.

II. Principal activities of single judges

During the course of the biennium (as from 31 October 2017), single judges issued 239 orders and decisions related to matters arising at the Arusha and The Hague branches concerning witness protection, requests for access to materials, disclosure, and allegations of contempt and false testimony. Judge William Sekule and Judge Vagn Joensen serve as Duty Judge at the Arusha branch on a rotating basis.

III. Principal activities of the Trial Chamber

On 15 December 2015, the Appeals Chamber of the International Tribunal for the Former Yugoslavia pronounced its judgment in the case of *Jovica Stanišić and Franko Simatović*, quashing their acquittals and ordering a retrial on all counts. On 17 December 2015, the President assigned a trial chamber to conduct the case. On 18 December 2015, Mr. Stanišić and Mr. Simatović pleaded not guilty at their initial appearance.

The Trial Chamber conducted pretrial proceedings during the biennium until 12 June 2017. Trial preparation hearings were held on 19 February, 23 May, 28 September and 14 December 2016 and on 7 April 2017. In addition, the Trial Chamber held hearings on 13 December 2016 and 2 February 2017 to hear expert medical evidence in order to assist it in formulating the modalities for trial to accommodate Mr. Stanišić's health condition. The pretrial conference was held on 17 May 2017. The trial commenced on 13 June 2017, and the presentation of the prosecution's case is ongoing. During the course of the biennium (as from 31 October 2017), the Trial Chamber issued a total of 128 orders or decisions related to provisional release, the conduct and scope of trial, the admission of evidence, and other matters.

IV. Principal activities of the Appeals Chamber

The Appeals Chamber conducted pre-appeal proceedings in the appeals by Radovan Karadžić and the prosecution against the trial judgment issued on 24 March 2016 by a Trial Chamber of the International Tribunal for the Former

Yugoslavia in the *Karadžić* case. The Trial Chamber had found Mr. Karadžić guilty of genocide, crimes against humanity, and violations of the laws and customs of war, and sentenced him to 40 years of imprisonment. In their notices of appeal, filed on 22 July 2016, Mr. Karadžić and the prosecution presented a total of 54 grounds of appeal. Briefing concluded on 6 April 2017 and the case is being prepared for a hearing. Status conferences were held on 15 November 2016 and 6 March, 23 June and 10 October 2017.

The Appeals Chamber also conducted pre-appeal proceedings in the appeal of the Prosecutor against the acquittal of Vojislav Šešelj on 31 March 2016 by a Trial Chamber of the International Tribunal for the Former Yugoslavia. The prosecution filed its notice of appeal on 2 May 2016, arguing that the Trial Chamber erred in law by failing to deliver a reasoned judgment and that it erred in fact by acquitting Mr. Šešelj. Briefing concluded on 22 February 2017, and an appeal hearing is scheduled for 13 December 2017.

On 8 July 2016, Augustin Ngirabatware filed a request for review of his appeal judgment. The proceedings in the case were delayed by the detention of Judge Aydin Sefa Akay until his provisional release on 14 June 2017. On 19 June 2017, the Appeals Chamber granted the request for review and ordered the parties to file a list of proposed evidence and witnesses in preparation for a review hearing. The Appeals Chamber is also seized of requests for review of judgments filed by Eliézer Niyitegeka and Laurent Semanza on 7 June 2017 and 9 October 2017, respectively. Briefing in respect of both matters is proceeding.

In addition, the Appeals Chamber considered a number of other discrete appeals, and other matters, including requests related to witness protection and access to confidential material. During the course of the biennium (as from 31 October 2017), the Appeals Chamber issued a total of 133 orders and decisions.

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Letter dated 21 November 2017 from the Permanent Representative of Armenia to the United Nations addressed to the President of the General Assembly

I am writing to you regarding the letter dated 2 October 2017 from the Permanent Representative of Turkey to the United Nations addressed to the President of the General Assembly (A/72/520).

It is notable that there is nothing new in the line of argumentation put forward to justify the denial of the Armenian Genocide by Turkey. Having failed to either substantiate its groundless claims or invent new ones, the Turkish side continues to rely on long-recycled allegations that have been addressed by Armenia on numerous occasions. To put the record straight, I would like to refer to two articles on this issue by Edward Nalbandian, Minister for Foreign Affairs of Armenia (cited in the footnotes to this letter).

In particular, in an article published in the French newspaper *Le Figaro* on 6 September 2014,[1] Mr. Nalbandian noted the following:

> "In international relations there are, unfortunately, cases of missed opportunities. The statement of Recep Tayyip Erdoğan, followed by the comments of other Turkish senior officials on the eve and after the commemoration of the 99th Anniversary of the Armenian Genocide are such cases. The fabricated notions of 'common pain', 'just memory' and the appeal to the Turks and Armenians to 'follow Erdogan's lead' are misleading. Ahmet Davutoglu declares 'that the main goal of Erdogan's statement is prevention of worldwide efforts of the Genocide recognition'. Instead of concrete steps towards reconciliation one can find calls to complicity. I mean complicity against the international recognition of the Armenian Genocide.
>
> "It is hard to find a nation nostalgic towards its centuries-old suppression in its ancestral homeland. Any oppressed nation cannot share the nostalgia towards the Ottoman Empire. Like other empires, the Ottoman Empire was built upon

[1] Available at www.lefigaro.fr/vox/monde/2014/09/06/31002-20140906ARTFIG00010-genocide-des-armeniens-erdogan-doit-dire-la-verite.php. The text reproduced in the present letter is available at www.mfa.am/en/interviews/item/2014/09/06/figaro_nalbandian/.

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and forcefully sustained through suppression of the basic rights and freedoms of many of its citizens.

"Mr. Davutoglu's differentiation of the Western and Turkish perception of sufferings by Christians and Muslims is astonishing. The Armenian Genocide is not only part of Armenian or western memory and history, but also of the memory of the Muslim world. One of the earliest references to the Armenian Genocide belongs to Muslim witness Fayez El Ghossein, who in 1916 published his work entitled 'The Massacres in Armenia'. Sharif and Emir of Mecca Husayn ibn Ali was one of the prominent Islamic leaders, who acted against the program of physical annihilation of the Armenians and called on his subjects to defend Armenians as they would defend themselves and their children. In 1919–1921 the large-scale extermination of Armenians were referred such Turkish public figures as Refi Cevat, Ahmet Refik Altinay. Many Muslim historians refer to the massacres of Armenians as genocide, while Arab historian Moussa Prince used the term 'Armenocide', considering it as 'the most genocidal genocide'.

"For the sake of 'just memory' artificial political actions and calls are not needed, while those, who dare express their opinion freely are killed like Hrant Dink, or exiled like Orhan Pamuk, or taken into custody, like Ragıp Zarakolu.

"Davutoglu is playing the same old tune of founding a commission of historians 'in order to find the truth'. One of the most competent international institutions on genocide studies, the International Association of Genocide Scholars, in answer to the same proposal, made an appeal to the Turkish government to accept what had been proven long ago. Instead of repeating decade-old re-worded or rephrased appeals we need genuine and concrete steps. Ratification of the Zurich Protocols, normalization of Armenian-Turkish relations, opening of the borders could pave the way to the difficult path of reconciliation between our peoples. The sub-commission on historical dimension, as envisaged by those Protocols, could implement a dialogue with the aim to restore mutual confidence between the two nations. It would be impossible to do by putting under question the reality of the Armenian Genocide.

"Led by an apparent desire to deny the fact of the genocide, as defined by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, Erdogan's message yet again underlined that what happened in 1915 'was regardless of religion or ethnic origin'. It seems that the 1919 Turkish Military Tribunal's Indictment, which proved by undeniable facts that the deportations and large-scale massacres of the Armenians were a state policy, and sentenced its main masterminds to death, has been forgotten in Ankara. It seems that Rafael Lemkin's development of the concept of 'genocide' has gone unnoticed in Ankara. I have to remind that 99 years ago on May 24, 1915 Russia, France and Great Britain issued a special declaration by which they warned the perpetrators of the atrocities against the Armenian people of their personal responsibility for 'these new crimes of Turkey against humanity and civilization'. It is beyond any doubt that the Armenian Genocide was organized with genocidal intent. Meanwhile an attempt is made by the Turkish officials to equate the losses of the war and the systematic annihilation of Armenians, as a result of which millions of my predecessors lost their lives, homes, lands, properties. There was an attempt to strip millions of Armenians in the Ottoman Empire of their right to life, as well as their past — more than 2000 cultural and religious monuments were destroyed and the survivors were driven off the lands they had inhabited for many centuries, before Turks came to this region. In 1915 one of the chief masterminds of the Armenian

Genocide, then Interior Minister Mehmed Talaat Pasha confessed to Germany's Consul General that 'there is no Armenian question, because there are no more Armenians.' He was wrong, but the nature, magnitude and the consequences of that horrible crime are far beyond the definition of 'suffering'.

"In one of the interviews Erdogan rhetorically asked 'if such a Genocide occurred would there have been any Armenians living in this country?' Today a large number of Jews live in Germany, but no one would dare put under question the reality of the Holocaust. Or, how can one speak of 'relocation' when 1.5 million of people died or were killed? Planned marching people to the desert, starving them to death, killing most of them en route is not a relocation, it is a 'death march', it is a genocide.

"The denial of the genocide, the atmosphere of impunity paved the way for the repetition of new crimes against humanity. Genocide denial is considered by scholars as the last phase of the crime of genocide. Even though there are still few who continue to deny, but this does not mean that there is a 'dispute' about it. On the one hand, there is the fact of genocide that nobody doubts in the world, the pain of which every single Armenian family anywhere in the world bears until now, and on the other hand, there is an official and imposed denial of the genocide by the Turkish government. Turkey is in dispute with itself.

"Is it possible to make the descendants of genocide survivors, spread all over the world, a part of the complicity of genocide denial? Is it possible to equate perpetrators and victims of genocide by such clichés as 'common pain'? It is appalling to imagine that the perpetrators of Holocaust, of genocides in Cambodia, in Rwanda, and other crimes against humanity, can be equated with the victims. Is it even possible to consider genocide survivors' descendants as 'Turkish diaspora', which some Turkish politicians are trying to do today?

"As Rwanda Genocide survivor Esther Mujawayo recently mentioned at the UN Human Rights Council High Level Panel Discussion in Geneva dedicated to the Genocide Prevention Convention, 'Today is the fourth generation of Armenians who are still waiting'. Not only Armenians, the whole international community for almost 100 years has been waiting for Turkey to recognize the Armenian Genocide. The genuineness of the desire for reconciliation must be proven through recognition and condemnation of the Armenian Genocide. The Turkish government must not refrain from genuine reconciliation. Thousands of Turkish citizens have opted for that path already.

"Davutoglu mentions Armenian composer Komitas as an example of Armenians' creative activities in the Ottoman Empire. 'Just memory' should have shed some light on the life of Komitas, who was a witness of the Genocide. He had seen all the sufferings, the horror that befell the Armenians and said that 'nobody knows all the wounds of our tragedy ... this distress will drive us mad!' And from 1916 onwards, for 20 years he spent his life in a psychiatric hospital.

"On April 24, 2003 when the Komitas statue in Paris was unveiled, I expressed hope that this memorial to the Armenian Genocide victims could symbolize memory of the victims of all genocides of the 20th century, that there would bow not only the descendants of those who suffered, but also the descendants of those who caused those sufferings. The route to reconciliation is not a path of denial, but that of conscious memory, because true reconciliation does not mean forgetting the past or feeding younger generations with the tales of denial. Turkey should reconcile with its own past to be able to build its future.

> "The President of Armenia has invited the Turkish President to visit Armenia on April 24, 2015, on the occasion of the commemoration of the 100th anniversary of the Armenian Genocide. We hope it will not be a missed opportunity and Turkey's President will be in Yerevan on that day."

In an op-ed article in the *Wall Street Journal*[2] published on 12 October 2010 and entitled "Turkey Has Gone Back on its Word", Mr. Nalbandian noted the following:

> "Last year on Oct. 10 in Zurich, after intensive negotiations, Armenia and Turkey reached agreement and the foreign ministers of the two countries signed the protocols on the establishment of diplomatic relations, opening of the border and development of bilateral relations.
>
> "The Armenian-Turkish relations were in a deadlock when President Serzh Sargsyan initiated the normalization process with Turkey. We in Armenia were guided by a vision of a future in which generations would live in peace and safety. This Armenian initiative met a positive response by the Turkish President and allowed us to make a confident investment in a durable rapprochement.
>
> "Our position was reflected in the well-known approach of normalization of relations without any preconditions. It was the bottom-line principle for starting the negotiations with Turkey. With this common understanding we started, conducted this process and came to the agreements. From the beginning of the process up until now this approach has been shared by the whole international community — starting from the Swiss mediators to the secretary-general of the U.N., the OSCE, the EU, the U.S., Russia, France and many other countries.
>
> "Unfortunately Turkey has backtracked from the agreements. Not only has it refrained from ratifying the protocols, but Ankara has returned to the language of preconditions that it had used before the beginning of the process.
>
> "It seems we speak in different languages. On the one hand, the Turkish leaders pretend that they always respect the principle of *pacta sunt servanda* (agreements must be kept), but on the other hand, they refrain from ratifying and implementing the agreements signed by themselves in Zurich. ... They claim they have no preconditions, that they simply demand that we fulfill this or that before they can proceed with the ratification. Does this mean they have no preconditions?
>
> "Turkey has attempted to link the Armenian-Turkish normalization process to the settlement of the Nagorno-Karabakh conflict. They say that they do not want to act as mediators in the Nagorno-Karabakh peace talks, but just negotiate between Armenians and Azerbaijanis to find a solution. Any Turkish attempts to interfere in the Karabakh process or to link the normalization of its relations with Armenia upon its own perception of progress in the Nagorno-Karabakh talks, harms both processes. This is a position that all major players involved in Armenia-Turkey normalization and Nagorno-Karabakh peace talks, the whole international community have emphasized several times. The international community speaks one language and the Turkish side speaks another one.
>
> "Turkey pretends that all problems in the region must have a 'comprehensive solution' once and for all. This is a beautiful phrase, but how realistic is it? It is a mere rhetoric, all words and no performance.
>
> "Hypocritically Turkey also uses the normalization process as a smokescreen for baseless argument that the adoption of resolutions on the Armenian Genocide in

[2] Available at www.wsj.com/articles/SB10001424052748703794104575545663167622050.

various countries can damage the normalization process. Yet, from the beginning of the process we made clear both in our contacts with the Turkish partners as well as publicly that Armenia will never put under question the fact of the Armenian Genocide or the importance of its international recognition.

"True reconciliation does not consist of forgetting the past or feeding younger generations tales of denial. Despite the fact that for 95 years Turkey has been continuously denying the Armenian Genocide, the Armenian side did not require its recognition by Turkey as a precondition for the normalization of the relations. Paradoxically it is Turkey that directly or indirectly has attempted to manipulate that issue, making it a precondition.

"Armenia initiated that process and spared no effort to see it succeed. When the Turkish side was pushing the whole process into a stalemate, Armenia was obliged to suspend its own ratification procedure, yet it remained in the normalization process, which was met with understanding and welcomed by world leaders.

"The negotiations between Armenia and Turkey were finalized by the signature of the protocols. There is neither 'silent diplomacy', nor 'a second season' of Zurich, nor any new round of negotiations, according to the information often spread by the Turkish media these days. The only remaining step in this long lasting process is the ratification and implementation of the Armenian-Turkish protocols without further ado. Armenia will be ready to move forward if Turkey is again ready to go ahead with the normalization process without preconditions.

"Today various world capitals recall that the ball is in the Turkish court, that Armenia has done its part and that Turkey should take the steps that it promised to take."

I kindly request that the present letter be circulated as a document of the General Assembly, under agenda item 8.

(*Signed*) Zohrab **Mnatsakanyan**
Ambassador
Permanent Representative